

UNITED STATES DISTRICT COURT

for the  
District of New Mexico



In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

Case No. 22-MR-1332

Acen Valadez, aka "Boogie"

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, attached hereto and incorporated herein by reference.

located in the \_\_\_\_\_ District of \_\_\_\_\_ New Mexico \_\_\_\_\_, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, attached hereto and incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.


The search is related to a violation of:

Code Section	Offense Description
18 USC § 922(g)	Prohibited Person in Possession of a Firearm

The application is based on these facts:

See attached affidavit, incorporated herein by reference.

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


  
Applicant's signature

Nancy Stemo, FBI Special Agent  
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Telephonically Sworn and Electronically Signed (specify reliable electronic means)

Date: September 7, 2022

City and state: Albuquerque, New Mexico

  
Karen B. Molzen, United States Magistrate Judge  
Printed name and title

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Nancy Stemo, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND BACKGROUND OF THE AFFIANT**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure (FRCP) for a warrant to obtain a deoxyribonucleic acid (DNA) sample, by way of buccal swab, from Acen VALADEZ, aka “Boogie,” for laboratory analysis. I believe VALADEZ’s DNA may be present on firearms located during the execution of a federal search warrant on September 1, 2022 at VALADEZ’s residence, 1340 Tres Ritos Street, SW, Albuquerque, New Mexico.

2. I have been a law enforcement officer since May 2016 and am employed as a Special Agent with the FBI. I am recognized as a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C). I am currently assigned to the FBI’s Child Exploitation and Human Trafficking Task Force (CEHTTF) where I investigate a myriad of federal violations involving exploitation of children and human trafficking. I was formerly assigned to the Violent Crimes Task Force (VCTF) where I investigated federal crimes including kidnappings, drug and firearms trafficking, robberies, and criminal enterprises; and the Safe Streets Gang Task Force (SSGTF) and the Transnational Organized Crime (TOC) Squads, where I investigated gangs and criminal organizations, including drug trafficking organizations, violent crimes in aid of racketeering, and racketeer influenced and corrupt organizations. I continue to assist in various VCTF and SSGTF investigations. I have received on the job training from other experienced agents in the investigation of federal offenses. My investigative training and experience includes, but is not limited to, conducting surveillance; interviewing subjects, targets, and witnesses; writing affidavits for and executing search and arrest warrants; examining cellular telephones; managing confidential human sources and cooperating witnesses/defendants; serving subpoenas; collecting and reviewing evidence; and analyzing public records.

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

3. The statements contained in this affidavit are based on my investigation, training, experience, familiarity with the ongoing investigation into VALADEZ, information obtained during the September 1, 2022 search warrant on VALADEZ's residence, review of court records, and information obtained from other law enforcement officers.

4. This affidavit is intended to show merely that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter. Therefore, I have set forth relevant background information and only the facts that I believe are necessary to establish probable cause to believe that VALADEZ possessed a firearm in violation of 18 U.S.C. § 922(g). I submit this affidavit supports probable cause for a warrant to search the person of Acen VALADEZ and seize a DNA sample, by way of buccal swab.

**FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE**

5. On September 1, 2022, the FBI executed a federal search warrant (docket 22-MR-1263) at 1340 Tres Ritos Street SW, Albuquerque, New Mexico. VALADEZ, D.L., A.T. and five juveniles were located in the residence. The residence is rented by D.L. and she resides there with VALADEZ and minor relatives. Four firearms were located in D.L.'s bedroom closet. The pistols had magazines inserted and were partially filled with ammunition and the revolver cylinder was also loaded with ammunition. Loose ammunition was located in VALADEZ's bedroom and in the garage. D.L. denied possessing the firearms and noted the bedroom door of D.L.'s bedroom was never locked and anyone could have accessed it. A.T. denied residing at the residence but admitted to spending the night. To my knowledge and a review of their criminal histories, neither D.L. nor A.T. are prohibited possessors of firearms. The firearms are described as follows:

- a. Glock 19 9mm pistol, serial number BWGG334;
- b. Glock 19 9mm pistol, serial number BNVV154;

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**


- c. FNH 509 9mm pistol, serial number GKS0034999; and
  - d. Taurus 85 revolver, serial number KN76656.
6. VALADEZ's has a felony conviction for Trafficking Controlled Substances-Cocaine. VALADEZ was sentenced to nine years – 8 years suspended, 1 year confinement and four years supervised probation in State of New Mexico docket D-202-CR-2007-02423.
7. On September 1, 2022, all the firearms were test-fired and functioned as designed. Two casings per firearm were submitted to the National Integrated Ballistics Information Network (NIBIN) for comparison with other seized casings. I believe the Glock pistols, FNH pistol, and Taurus revolver meet the federal definition of a "firearm."
8. Through my training and experience, I believe all the seized firearms traveled in interstate or foreign commerce due to the following: the seized Glock pistols contained markings indicating they were manufactured in Austria and imported by Glock in Georgia, FNH does not have any manufacturing of firearms in the State of New Mexico, and the Taurus revolver was manufactured in Brazil and imported by Taurus International Manufacturing in Florida.
9. Based on my training and experience, I am aware forensic evidence may remain on, or within, items, for years after an event. It is my understanding that significant contact between an object and a handler may result in DNA transfer. The firearms will be submitted for DNA analysis and will be compared to VALADEZ's sample to determine if any of the DNA obtained from the firearms contain VALADEZ's DNA.
10. I am aware VALADEZ is represented by counsel. FBI personnel will not communicate with VALADEZ regarding pending cases during the execution of the search warrant. VALADEZ's counsel will be made aware of the search warrant and be given an opportunity to be present.

**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

**CONCLUSION**

11. Based on the above information, I believe there is probable cause to believe VALADEZ possessed a firearm in violation of 18 U.S.C. § 922(g) – Prohibited in Possession of a Firearm. Therefore, I submit this affidavit supports probable cause for a warrant to search the person of ACEN VALADEZ and seize a DNA sample, by way of buccal swab.
12. The warrant was reviewed and approved by Assistant United States Attorneys Maria Armijo, Randy Castellano, and Ryan Ellison.
13. This affidavit is true and correct to the best of my knowledge.

Respectfully submitted,



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Nancy Stemo  
Special Agent  
Federal Bureau of Investigation

Electronically SUBSCRIBED and Telephonically SWORN to me this 7th day of September 2022:

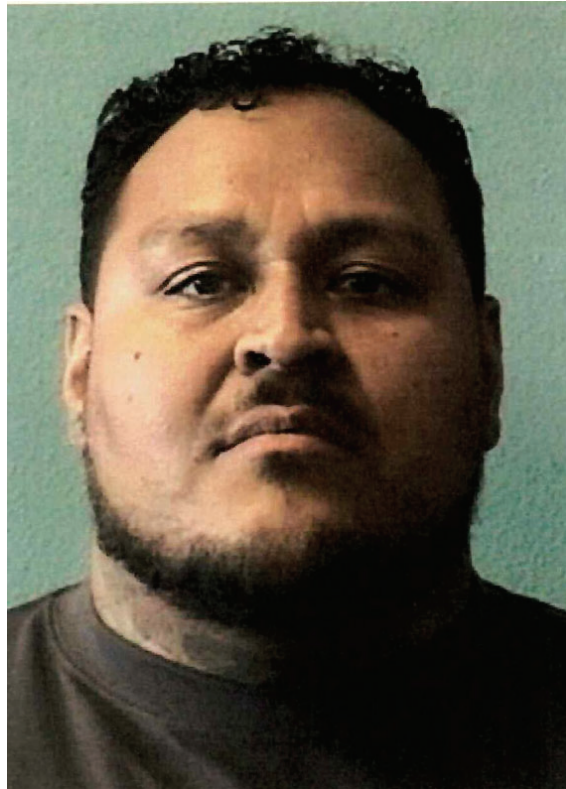


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Karen B. Molzen  
United States Magistrate Judge

**ATTACHMENT A**  
**PERSON TO BE SEARCHED**

1. Acen VALADEZ, aka “Boogie,” whose photo is below, for the limited purpose of obtaining a DNA sample.



*1C8m*

**ATTACHMENT B**  
**ITEMS TO BE SEIZED**

1. DNA sample, via buccal swab, from Acen VALADEZ, aka "Boogie."

*1/68m*